

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

MARLON FRANKLIN WALKER,

Plaintiff,

v.

No. 5:22-CV-203-H-BQ

JASON FORD, et al.,

Defendants.

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE MAGISTRATE JUDGE**

United States Magistrate Judge D. Gordan Bryant made Findings, Conclusions, and a Recommendation (FCR) in this case on November 16, 2022. Dkt. No. 6. Judge Bryant recommends that the Court dismiss Marlon Franklin Walker's complaint without prejudice for lack of subject matter jurisdiction or, alternatively, under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *Id.* at 8. No objections to Judge Bryant's FCR were filed. Therefore, the Court has reviewed the proposed FCR for plain error. *U.S. ex rel. Steury v. Cardinal Health, Inc.*, 735 F.3d 202, 205 n.2 (5th Cir. 2013) ("[P]lain error review applies when a party did not object to a magistrate judge's findings of fact, conclusions of law, or recommendation to the district court, so long as the party was served with notice of the consequences of failing to object.") (citing *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1)). Finding no error, plain or otherwise, the Court accepts and adopts the FCR of the United States Magistrate Judge.

Accordingly, the Court dismisses Walker's complaint without prejudice for lack of subject matter and for failure to prosecute.

So ordered on September 6, 2023.

A handwritten signature in blue ink, appearing to read 'J. Hendrix', is written above a horizontal line.

JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE